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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RIEDL, Bernd, et. al.

Examiner: Delacroix Muirhei, Cybille

Serial No.: 10/086,417

Group Art Unit: 1614

Filed: 3/4/02

Title: OMEGA-CARBOXY ARYL SUBSTITUTED DIPHENYL UREAS AS p38 KINASE INHIBITORS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated July 8, 2003, Applicants respond as follows.

The Examiner requires that Applicants elect:

1. a single disease; and
2. a compound embraced by formula 1.

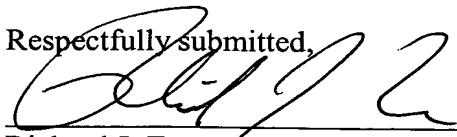
As a single disease, Applicants elect inflammation as disclosed on page 6, line 23. If this is not specific enough, Applicants elect arthritis.

As to the specific compounds of formula I, Applicants elect compound 42, *N*-(4-Chloro-3-(trifluoromethyl)phenyl)-*N'*-(4-(2-(*N*-methylcarbamoyl)-4-pyridyloxy)phenyl) urea.

The claims which read on the elected species include claims 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 39, 43, 45, 49, 51 and 52. Applicants request that the examination be extended to additional disease and compounds if elected subject matter is found to be allowable. Applicants traverse the election requirement in that it has not been shown to be an undue burden to examine the use of diaryl ureas as a class, in treating p38 mediated diseases.

No fee is believed to be due with this response, however, the Commissioner is hereby

authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attorney Docket No.: BAYER-16P4
Date: August 8, 2003

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